

### REMARKS

In the December 23, 2005 Office Action, claims 1, and 17-20 stand rejected in view of prior art, while claims 2-9 and 21 were indicated as containing allowable subject matter, and claims 14-16 and 22-33 were allowed. Claims 10-13 were withdrawn for being directed to a non-elected embodiment. No other objections or rejections were made in the Office Action.

#### *Status of Claims and Amendments*

In response to the December 23, 2005 Office Action, Applicants respectfully traverse the prior art rejections. Further, Applicants have amended claims 3-5 to define better the claimed subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Claims 1-33 are pending, with claims 1, 14-17, 22-29, 32, and 33 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### *Election of Species*

In item 1 of the Office Action, Applicants' election without traverse on October 18, 2005 was acknowledged. Thus, non-elected claims 10-13 were withdrawn from further consideration. However, Applicants respectfully request that non-elected claims 10-13 be rejoined in this application upon allowance of a generic or linking claim, or claims. Specifically, non-elected claims 10-13 all ultimately depend from claim 1, which was indicated as containing allowable subject matter.

***Rejections - 35 U.S.C. § 102***

In item 3 of the Office Action, claims 1 and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2004-0094613 (Shiratori et al.). In response, Applicants respectfully traverse the rejections and have included comments to support the traversal.

Applicants respectfully assert that the *Shiratori et al. publication does not qualify as prior art* under 35 U.S.C. §102(e) because the Shiratori et al. publication is based on the national stage of an international application filed after November 29, 2000, specifically March 5, 2002, which was published as WO 02/069803 in Japanese under PCT Article 21(2). MPEP 706.02(f)(1)II Example 5 (page 700-34 of MPEP) clearly states "[a]ll references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent, of an international application (IA) that was filed on or after November 29, 2000 but was not published in English under PCT Article 21(2) have ***no 35 U.S.C. 102(e) prior art date at all***" (emphasis added). Accordingly, the Shiratori et al. publication has ***no*** 35 U.S.C. §102(e) date, and thus, does not qualify as prior art for the present application.

Further, Applicants respectfully assert that even if the Shiratori et al. reference were to qualify as prior art, it would not anticipate the claimed invention because as seen in paragraph [0062] of Shiratori et al., the body motion component extracting section of Shiratori et al. is a computer that is not part of the body motion detection device.

Moreover, Applicants believe that the dependent claims are also allowable for the reasons stated above.

Applicants respectfully request withdrawal of the rejections.

***Allowable Subject Matter***

In items 4 and 5 of the Office Action, claims 14-16 and 23 were indicated as allowed and claims 2-9 and 21 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

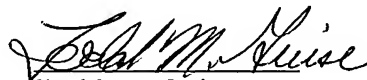
***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-33 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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